

RECEIVED  
CENTRAL FAX CENTER

APR 26 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted on the date shown below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, 703-872-9306.

Date: April 26, 2005Signature: Francis J. CaulfieldFrancis J. Caulfield  
Registration No. 27,425IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/859,130  
Applicant : Stephen J. Fantone, et al.  
Filed : May 15, 2001  
Title : SUBSURFACE VIDEO OBSERVATION SYSTEM

TC/A.U. : 2813  
Examiner : Nhon Thanh Diep

Docket No. : 0219/US

Mail Stop AF  
Honorable Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL  
PURSUANT TO 37 CFR 1.116 TO PLACE APPLICATION IN CONDITION FOR  
ALLOWANCE

Sir:

In response to the Office Action of January 27, 2005, please amend and  
reconsider the above-identified as follows:

Amendments To The Specification - None.  
Amendments To The Claims - Begin on page 2.  
Amendments To The Drawings - None  
Remarks/Arguments - Begin on page 8 of this paper

-1-

## REMARKS

Under the Office Action, claims 1,2,4-7,9 and 12-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Zemov, et al. (US 6,097,424) in view of Cairni, et al. (US 4,777,501). Claims 3, 8, and 10-11 were objected to as being dependant upon a rejected base claim, but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Furthermore, during discussions with the Examiner regarding the subject Action, the Examiner indicated that both broad independent claims (i.e. claims 1 and 15) would be considered allowable if they included the limitations of claim 3 (i.e. an "IR range of about 700 to about 1400 nm").

By way of this amendment, the claims have been amended to be written in a form indicated as allowable according to the subject Action and Examiner's comments. In particular, independent Claims 1 and 15 were rewritten to include the limitations of claim 3. Claim 8 was rewritten in independent form including all of the limitations of original claims 6 and 1. Claims 10 and 11 were rewritten in independent form including all of the limitations of original claims 1 and 9.

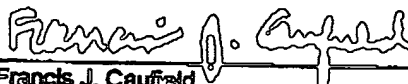
Claims 3 and 4 were canceled. The remaining claims are dependent upon and include all of the limitations of either rewritten claims 1 or 15.

Should an extension of time be required in connection with this response, please consider this a request for a one-month extension and charge my Deposit Account No. 03-1150 therefor.

Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

April 26, 2005  
Date

  
Francis J. Caulfield  
Registration No. 27,425

Customer Number 30,333

6 Apollo Circle  
Lexington, MA 02421-7025

Telephone: 781 860 5254  
Facsimile: 781 862 9484

-6-